

CITY COUNCIL AGENDA

FEBRUARY 10, 2015

AMENDED AGENDA

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MARJORIE MATTHEWS
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:00 a.m. - Closed Session, Call to Order in Council Chambers
 - Open Session, Labor Negotiations Update (See Item 3.2)
 - Adjourn to Closed Session in Council Chambers Conference Room, W133
 - See [City Council Closed Session Agenda](#)
 - See [Successor Agency to the Redevelopment Agency Closed Session Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 2)**

- **Pledge of Allegiance**

- **Orders of the Day**

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of January 21, 2015.](#) (Mayor)
- (b) Community and Economic Development Committee Report of January 26, 2015. (Khamis)

DEFERRED TO 2/24/15 PER CITY CLERK

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Contract Approval for Public Opinion Survey Consultant Services.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3 Research) for public opinion survey consultant services on behalf of the City of San José for the period from the date of execution through December 31, 2016, with options to extend the agreement for two one-year terms, for an amount not to exceed \$116,250 for each option period, for a total compensation not to exceed \$610,500; and
- (b) Exercise the options to extend the Agreement for two one-year terms commencing January 1, 2017 through December 31, 2018, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Manager)
(Deferred from 2/3/15 – Item 2.9)

* **RENUMBERED TO ITEM 3.6**

2. CONSENT CALENDAR

2.8 [Actions Related to the Agreement with Silicon Valley Regional Interoperability Authority for the Transfer of Equipment and Licenses.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an [Agreement](#) with the Silicon Valley Regional Interoperability Authority (SVRIA) to transfer equipment and licenses for the Emergency Communications (EComm) microwave radio network from the City of San José to the SVRIA; and transfer all continuing restrictions and obligations assigned under the Urban Area Security Initiative and Community Oriented Policing Services Grant Funds agreement used by the City of San José to purchase the EComm microwave radio network from the City of San José to the SVRIA;
- (b) Execute Assignments of each site license to the SVRIA and the County of Santa Clara in the form set forth in the Agreement, as long as all necessary approvals have been obtained; and
- (c) Execute Site License Agreements for each San José owned site for the SVRIA to access the sites for maintenance and operation, as long as all necessary approvals have been obtained.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Manager)

2.9 [Report on Bids and Award of Contract for the 7571-Miscellaneous Sanitary Sewer Repairs Project.](#)

Recommendation: Report on bids and award of contract for the 7571-Miscellaneous Sanitary Sewer Repairs FY 14-15 (Package I) project to the low bidder, Cratus, Inc., in the amount of \$876,856 and approval of a contingency in the amount of \$87,686. CEQA: Exempt, File No. PP13-076. (Public Works)

2.10 [Vice Mayor Reception.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 28, 2015:

- (a) Approve the Vice Mayor Reception scheduled on January 29, 2015 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Herrera)

[Rules and Open Government Committee referral 1/28/15 – Item G(1)(b)(1)]

2. CONSENT CALENDAR

2.11 [Ordinance to Establish an Exemption to the Prohibition on the Discharge of Firearms.](#)

- * **Recommendation:** Approve an [ordinance](#) of the City of San José amending Section 10.32.010 of Title 10 of the San José Municipal Code to allow persons with a duly issued and approved wild pig depredation permit from the California Department of Fish and Wildlife to discharge a firearm within the limits of the City under specified circumstances. CEQA: Santa Clara Valley Habitat Plan Final EIR, Resolution No. 76546 and Ordinance No. 29336, File No. PP13-103. (City Attorney/Public Works)

2.12 [Board and Commission Appointments.](#) [Supplemental](#) [Memo from Mayor Liccardo, Vice Mayor Herrera and Councilmember Khamis](#)

- * **Recommendation:**
 - (a) Make a finding that the reappointment of Mike Graves to a third term on the Housing and Community Development Commission is necessary to maintain a Mobilehome Landlord Representative on the Commission;
 - (b) Approve the following Board and Commission appointments:
 - (1) Council Appointment Advisory Commission:
 - (a) District 1: Appoint Mark Warlick to a term expiring 12/31/18;
 - (b) District 3: Appoint Lydia Lacy to a term expiring 12/31/18;
 - (2) Housing and Community Development Commission:
 - (a) District 7: Appoint Melissa Medina to a term expiring 6/30/18;
 - (b) Mobilehome Landlord Representative: Reappoint Mike Graves to a term expiring 12/31/18;
 - (3) Human Services Commission:
 - (a) Disability Service Provider or Disabled Representative: Appoint Michael Casas to a term expiring 12/31/18;
 - (4) Neighborhoods Commission:
 - (a) District 8: Appoint Nichole Edraos to a term expiring 6/30/16.

(City Clerk)

(Deferred from 2/3/15 – Item 2.8)

2.13 [Actions Related to the Applied Development Economics Access to the California State Employment Development Department ES202 and State Board Of Equalization Sales and Use Tax Records.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing Applied Development Economics (ADE) to examine all sales and use tax records of the California State Board of Equalization on behalf of the City of San José for the preparation of the fiscal analysis update for the Envision San José 2040 General Plan, and certifying that Consultant meets certain conditions;

(Item continued on the next page)

2. CONSENT CALENDAR

2.13 Actions Related to the Applied Development Economics Access to the California State Employment Development Department ES202 and State Board Of Equalization Sales and Use Tax Records. (Cont'd.)

Recommendation:

- (b) Authorizing ADE to examine ES202 industry and employment data for the City of San José from the California State Employment Development Department (EDD) for economic development purposes related to the fiscal analysis update to the Envision San José 2040 General Plan;
- (c) Authorizing the City Manager or his designee to negotiate and execute an Addendum to the City's Memorandum of Understanding (MOU) with the California State Employment Development Department (EDD) to examine ES202 industry and employment data for economic development purposes related to the fiscal analysis update to the Envision San José 2040 General Plan.

CEQA: Not a Project, File No.PP10-066(d), Agreements. (Economic Development)

* (Rules Committee referral 2/4/15)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Interim City Manager, Norberto Dueñas (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3.3 [Approval of the 2014-2015 Mid-Year Budget Review Report.](#)

Recommendation:

- (a) Approve the 2014-2015 Mid-Year Budget Review Report.
- (b) Adopt Related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2014-2015 Mid-Year Budget Review Report.
- (c) Adopt an ordinance ratifying the following 2013-2014 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
 - (1) Increase the Transfer to the General Fund – Interest Earnings by \$674; and
 - (2) Decrease the Ending Fund Balance by \$674.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)

3. STRATEGIC SUPPORT SERVICES

3.4 Annual Summary of Labor Negotiations.

Recommendation: Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (City Manager)

3.5 Continuation Agreement with Renne Sloan Holtzman & Sakai, LLP, for Consulting Services Relating to Labor Relations.

- * **Recommendation:** Adopt a resolution authorizing the City Manager to execute a Continuation Agreement with Renne Sloan Holtzman & Sakai, LLP, for labor consulting services in connection with labor matters, extending the term to June 30, 2016, at no additional cost to the City. CEQA: Not a Project, File No. PP10-069(e), Services that involve no physical change to the environment. (City Manager)

3.6 Contract Approval for Public Opinion Survey Consultant Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3 Research) for public opinion survey consultant services on behalf of the City of San José for the period from the date of execution through December 31, 2016, with options to extend the agreement for two one-year terms, for an amount not to exceed \$116,250 for each option period, for a total compensation not to exceed \$610,500; and
- (b) Exercise the options to extend the Agreement for two one-year terms commencing January 1, 2017 through December 31, 2018, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Manager)

(Deferred from 2/3/15 – Item 2.9)

- * **RENUMBERED FROM ITEM 2.7**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Issuance of Tax-Exempt and Taxable Multifamily Housing Revenue Notes and Loan of Note Proceeds for the Poco Way Apartments Project.

- * **Recommendation:** Adopt a resolution:
- (a) Authorizing the issuance of:
 - (1) A tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Poco Way Apartments), Series 2015A (the “Series 2015A Tax-Exempt Note”) in a principal amount not to exceed \$21,833,854; and
- (Item continued on the next page)*

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Issuance of Tax-Exempt and Taxable Multifamily Housing Revenue Notes and Loan of Note Proceeds for the Poco Way Apartments Project. (Cont'd)

Recommendation:

- (a) (2) A taxable multifamily housing revenue note designated “City of San José Multifamily Housing Revenue Note (Poco Way), Series 2015A-T (the “Series 2015A Taxable Note”, and with the Series 2015A Tax-Exempt Note, the “Series 2015A Notes”) in a principal amount not to exceed \$3,000,000;
- (b) Approving a loan of [Series 2015A Note](#) proceeds to McCreery Avenue, L.P., a California limited partnership created by the Housing Authority of the County of Santa Clara, to finance the acquisition and rehabilitation of the Poco Way Apartments located at 1900 Poco Way, in San José (the “Project”);
- (c) Approving in substantially final form the [Funding Loan Agreement](#), [Borrower Loan Agreement](#), [Assignment of Deed of Trust](#), and [Regulatory Agreement and Declaration of Restrictive Covenants](#) (the “Series 2015A Documents”);
- (d) Authorizing and directing the City Manager, Director of Finance and Interim Director of Housing, or their designees, to execute and, deliver the Series 2015A Documents and related Series 2015A Documents as necessary;
- (e) Authorizing the Interim Director of Housing, or her designee, to negotiate and execute all documents necessary to effectuate the City loan transaction consistent with the terms described in the memorandum to the Mayor and City Council; and
- (f) Authorizing the Interim Director of Housing, or her designee, to negotiate and execute all documents necessary to govern the use of the Seller Proceeds consistent with the terms described in the memorandum to the Mayor and City Council.

CEQA: Exempt, File No. PP15-009. Council District 5. (Housing/Finance)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Airport Ground Transportation Program. - *DEFERRED*

Recommendation: As recommended by the Rules and Open Government Committee on December 10, 2014, modify RFP SJC131415 On-Demand Ground Transportation Management for the Norman Y. Mineta San José International Airport in order to comply with Council direction from March 4, 2014 to ensure the ability to work at the airport will be distributed equally among the companies as follows:

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Airport Ground Transportation Program. (Cont'd.)

Recommendation:

- (a) Delete the following language from the RFP: “It is not expected, nor would an option be reviewed and approved by the Airport that calls for an equal/identical number of drivers to be assigned to the Airport per company despite the size of the company.”
- (b) Add the following language to the RFP: “Qualified cab companies will be required to provide an equal number of taxi cabs at the Airport to meet the demand from first to last flight, or from 5:00 a.m. to 12:00 midnight. The cab companies can schedule their drivers by 8 hours or more per day shift to give all of their drivers a chance to work at the Airport.”

(Herrera/Khamis)

[Rules and Open Government Committee 12/10/14 – Item G(5)]

(Deferred from 1/27/15 – Item 6.1)

* **DEFERRED TO 2/24/15 PER ADMINISTRATION**

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [Actions Related to the Sale of the Central Place Parking Garage.](#)

* **Recommendation:**

- (a) The Successor Agency Board and City Council approve a [Purchase and Sale Agreement](#) to sell the Successor Agency owned Central Place Parking Garage located at 88 San Fernando Street (Assessor Parcel Numbers 467-64-001 and 467-64-002) to the City of San José for the appraised value of \$850,000;
- (b) The City Council adopt a [resolution](#) to repeal Resolution No. 77019 and set forth the Master Parking Rate Schedule to establish parking rates for the Central Place Parking Garage, contingent upon acquisition of the Garage by the City; and
- (c) The City Council adopt the following 2014 – 2015 Appropriation Ordinance amendments in the General Purpose Parking Fund:
 - (1) Decrease the appropriation to the Department of Transportation for Minor Parking Facility Repairs by \$550,000;
 - (2) Decrease the appropriation to the Department of Transportation for Revenue Control and Meter Upgrades by \$200,000;

(Item continued on the next page)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Sale of the Central Place Parking Garage. (Cont'd.)

Recommendation:

- (c) (3) Decrease the appropriation to the Department of Transportation for Security Improvements by \$150,000; and
- (4) Establish a Capital Improvement appropriation to the Department of Transportation for the Central Place Parking Garage in the amount of \$900,000.

CEQA: Exempt, File No. PP15-010. (Transportation/Successor Agency to the Redevelopment Agency/City Manager)

● Notice of City Engineer's Pending Decision on Final Maps

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

| <u>Tract</u> | <u>Location</u> | <u>Council District</u> | <u>Developer</u> | <u>Lots/Units</u> | <u>Type</u> |
|--------------|-------------------|-----------------------------|------------------|----------------------|-------------|
| 10288 | 1855 Dobbin Drive | 3 | Pulte Homes | 15 Lots/131 Units | Condos |

● Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

● Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.